

ORDINANCE O-3-12

Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council amend the off-street parking requirements to clarify that camping trailers are not passenger vehicles.

WHEREAS, Article VII, Section C-23A(14) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to regulate parking of vehicles in the Town; and

WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding off street parking to clarify that only passenger vehicles may park in front yards.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Section 27-5.3 of the Cheverly Code be amended as follows:

Sec. 27-5.3. Off-street parking and storage.

(a) *Definitions* (applicable only to this section of the Cheverly Code):

(1) *Camping trailer*: A vehicle, DESIGNED OR USED [not already included under the definition of a passenger vehicle, originally sold to the consumer] for recreational purposes, which is self-propelled or capable of being towed by a [passenger] motor vehicle, and which provides facilities for temporary camping or sleeping, or both, including a unit designed to be carried by an open pickup truck. The term "camping trailer" includes "travel trailer," "camper," "recreational vehicle," "motor home" and "truck camper" and similar vehicles. A boat, a trailer for a boat, and any boat and trailer are not a camping trailer. If the wheels of a camping trailer are removed, except for repairs, it is deemed to be a building and subject to all regulations therefor. **A CAMPING TRAILER IS NOT A PASSENGER VEHICLE.**

(2) *Commercial vehicle*: Any vehicle or motor vehicle, including a school bus, not qualifying as a camping trailer or passenger vehicle as defined in this section. A boat, any boat and trailer, or any trailer not fitting the criteria for a camping trailer above, is a commercial vehicle.

(3) *Motor vehicle*: Any vehicle defined as a motor vehicle in the Maryland Transportation Code, provided it has a current license, registration, inspection and/or permit as required by the Maryland transportation article and is not abandoned or inoperable as defined in chapter 18 of this Code.

(4) *Passenger vehicle*: Any motor vehicle, except A CAMPING TRAILER, A COMMERCIAL VEHICLE, OR a boat, that is no more than eighty (80) inches in width including all protrusions except side mirrors, and no more than two hundred forty (240) inches in length from bumper to bumper, displays no advertising, does not visibly carry equipment ordinarily used for the furtherance of a commercial enterprise and is not visibly being used for storage.

(5) *Unpaved area*:

a. Any parking surface, not covered either completely or in parking strips, by asphalt, brick, block and/or concrete. The parking surface or parking strips, to so qualify as a parking surface, must run for at least the length of any vehicle parked above it and all of the wheels of the vehicle parked on it must be in contact with the asphalt, brick, block and/or concrete.

b. It shall be a valid exception to the above definition if the owner of the unpaved area has covered the area with gravel and said owner proves that such covering over the land predated May 24, 1987, and proves that such covering has been continuously maintained up to the date of enforcement of this section.

(6) *Vehicle*: Any device defined as a vehicle in the Maryland Transportation Code, provided it has a current license, registration, inspection and/or permit as required by the Maryland transportation article and is not abandoned or inoperable as defined in chapter 18 of this Code.

(7) *Yard*: Open space located on the same lot with a building or group of buildings between the building or outer building of a group and the nearest lot or street line and unoccupied and unobstructed from the ground upward, except as provided in these regulations.

a. *Front yard*: Yard extending across the full width of lot between the front street line (or proposed front street line) and the nearest line of the building or enclosed portion thereof. The depth of yard is the shortest horizontal distance between the front existing or proposed street line and the nearest point of building or enclosed portion thereof.

b. *Rear yard*: Yard extending across the full width of lot between the rear lot line and the nearest line of building, porch or projection thereof. The depth of yard is the shortest horizontal distance between the rear lot line and the nearest point of building, porch or projection. When the rear lot line is less than ten (10) feet long or if the lot comes to a point at the rear, the depth of rear yard is measured to an assumed rear lot line as defined under "Lot Line, Rear" in the Prince George's County Code.

c. *Side yard*: Yard between the side lot line or side street line (proposed side street line if such line falls within the lot) and the nearest line of building, porch or projection thereof extending from the front yard to the rear yard, or in the absence of either such yards, to the front street line and/or rear lot line. The width of side yard is the shortest distance between the side lot line and the nearest point of building, porch or projection.

(b) Parking and storage conditions in residential detached single-family housing area (county zoning R-55) of Cheverly. Vehicles may not be parked or stored on private property in residential, detached, single-family housing areas (county zoning R-55) except as listed in the following:

(1) Front yard areas:

a. Passenger vehicles.

(2) Side and rear yard areas:

a. Passenger vehicles.

b. One (1) unoccupied camping trailer.

c. Not more than one (1) commercial vehicle (provided it conforms to all applicable federal, state, county and town laws and regulations) not to exceed the manufacturer's gross vehicle weight specification of eight thousand five hundred (8,500) pounds, which may contain no advertising other than a firm name or similar designation in lettering not exceeding four (4) inches in height, but excluding vehicles exceeding three hundred (300) cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, or vehicles with dual rear wheels.

(3) The Mayor and Town Council may grant one (1) exception per residence to the above front yard requirements and allow a vehicle or motor vehicle that is not a passenger vehicle, as defined above, to park in the front yard subject to reasonable conditions and regulations when they determine, after reasonable notice and a public hearing, that the following criteria are met:

a. The applicant for such exception is a resident of the town;

b. The strict observance of the above front yard requirements would cause undue hardship to the resident;

c. The neighboring property occupants have been given opportunity to be heard; and

d. The granting of the exception is not in conflict with the existing county parking and storage ordinances.

(4) Any exception granted pursuant to subsection (3) immediately above is not transferable to any other party, is subject to revocation upon a demonstration that the applicable town regulations or conditions are not being met.

(c) *Parking and storage conditions in multiple-family, low-density residential areas (county zoning R-30C) of Cheverly*. Vehicles may not be parked or stored on private property in multi-family, low-density residential areas (county zoning R-30C) except as listed in the following:

(1) *Apartment unit areas*:

a. Passenger vehicles.

(2) *Only in areas specifically designated by apartment management*:

a. Unoccupied camping trailers.

b. Commercial vehicles not to exceed the manufacturer's gross vehicle weight specifications of eighty-five hundred (8500) pounds, which may contain no advertising other than a firm name or similar designation in lettering not exceeding four (4) inches in height, but excluding vehicles exceeding three hundred (300) cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, or vehicles with dual rear wheels.

(d) *All off-street areas in R-55 and R-30C zones*:

(1) Parking and storing of any unlicensed or disabled vehicle is prohibited.

(2) Performing heavy repairs, painting or body repairs, on vehicles, or dispensing or storing gasoline in quantities greater than two (2) gallons on the premises of any dwelling or apartment is prohibited.

(e) *Parking on unpaved areas in residential lot.* It shall be unlawful, within the corporate limits of Cheverly, to park or store any motor vehicle on an unpaved area on an improved or unimproved residential lot. (Ord. No. 11-79, 11-8-79; Ord. No. 6-87, 4-9-87; Ord. No. 7-87, 4-9-87; Ord. No. 8-87, 4-9-87; Ord. No. 7-89, 9-14-89; Ord. No. 12-89, 11-9-89; Ord. No. O-2-02, 2-14-02; Ord. No. O-1-11, 1-13-11)

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on July 12, 2012, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on _____, 2012, at which meeting copies were available to the public for inspection.